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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

UNITED STATES of AMERICA for the Use
 and Benefit of WEBCOR CONSTRUCTION,
 INC. dba WEBCOR BUILDERS, and
 WEBCOR CONSTRUCTION, INC. dba
 WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
 CORPORATION; THE MORGANTI
 GROUP; AMERICAN CASUALTY
 COMPANY OF READING, PA;
 NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA, and
 DOES 1 through 10, inclusive,

Defendants.

AND ALL RELATED COUNTER-CLAIMS
 AND THIRD PARTY COMPLAINTS.

Case No.: 3:07-CV-02564-CRB

**DECLARATION OF VINCENT C.
 PETITO IN SUPPORT OF STATUS
 CONFERENCE STATEMENT BY
 DICK/MORGANTI; DICK
 CORPORATION; THE MORGANTI
 GROUP, INC.; AMERICAN CASUALTY
 COMPANY OF READING, PA;
 CONTINENTAL CASUALTY
 COMPANY; AND NATIONAL UNION
 FIRE INSURANCE COMPANY OF
 PITTSBURGH, PA**

Hearing Date: February 22, 2007

Hearing Time: 10:00 a.m.

Location: Courtroom 8, 19th Floor

Judge: Hon. Charles R. Breyer

I, Vincent C. Petito, declare as follows:

1. Unless otherwise indicated herein, the facts set forth below are personally known to me and if called upon I am willing and able to testify in support of these facts.

2. I am a Project Manager for Defendant Dick Corporation, a partner of the Dick/Morganti joint venture ("D/M"), and I have worked extensively in that capacity on the construction project known as the San Francisco Federal Building located near 7th and Mission Streets in San Francisco ("Project").

3. I have detailed knowledge of work performed by Performance Contracting, Inc. ("PCI") for the Project, and I have attended many meetings with PCI regarding the Project, including numerous meetings with PCI's James Strout, George DeMartini, and Gene Concannon.


4. I have read the February 20, 2008 Declaration of Eugene D. Concannon In Support Of Performance Contracting Inc.'s Status Conference Statement ("Declaration").

5. I attended the December 2006, April 2007, and May 2007 meetings referenced in paragraphs 3 through 5 of Mr. Concannon's Declaration. While it is true that PCI brought documentation to these meetings, neither I nor any other D/M official were allowed to look at or make copies of the documentation.

6. D/M has never been allowed to review or copy these documents that supposedly refute D/M's back charges against PCI. Mr. Concannon has specifically stated to me and other D/M officials that D/M would not be allowed to review the material until a liquidating agreement between D/M and PCI was signed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21 day of February, 2008 at Pittsburgh, Pennsylvania.



Vincent C. Petito